

### Remarks/Arguments

Claims 1 to 8, 21 to 25, 31 to 36 are pending. Claims 1 to 3, 5, 6, 21, 23, 24, 33 and 34 have been amended. New Claims 35 and 36 have support in original Claim 5.

The claims have also been corrected regarding several matters.

The Office Action stated: that Claims 1 to 8, 21 to 25 and 31 to 34 are currently pending in the instant application; and that applicants amended Claims 1, 3 and 21 and added new Claim 33 and 34 in an amendment filed on May 14, 2007.

The Office Action stated: that applicant's arguments, filed May 14, 2007 with respect to the objection of Claim 1 to 8, 21 to 25, 31 and 32 as containing non-elected subject matter and the objection to the abstract for exceeding the 150 word limit, have been fully considered and are partially persuasive; that the objection to the abstract has been withdrawn; that, however, the objection to the claims as containing non-elected subject matter is maintained; that applicant has amended the claims wherein R<sup>2</sup> represents C<sub>1-8</sub> alkyl or phenyl and R<sup>1</sup> is as defined in Claim 1; that applicant did not elect this invention; that applicant's elected invention is drawn to a process for the preparation of a compound of formula I wherein R<sup>1</sup> represents C<sub>1-8</sub> or phenyl and R<sup>2</sup> is as defined in claim 1; that the Examiner only searched applicant's elected invention; and that is suggested that applicant amend the claims to read on the elected invention.

Applicant has amended the claims to read on the elected invention.

Applicant has also corrected several matters in the claims.

Claims 1 to 8, 21 to 25, and 31 to 34 have been objected to as containing non-elected subject matter.

The Office Action stated that, to overcome this objection, applicant should submit an amendment deleting the non-elected subject matter. Applicant has limited the claims to the elected subject matter.

This objection should be withdrawn.



The Office Action stated that this application is in condition for allowance except for the following formal matters:

Claims 1 to 8, 21 to 25, and 31 to 34 contain non-elected subject matter. The claims do not now contain any non-elected subject matter.

The Office Action stated: that prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*; and that a shortened statutory period for reply to this Office Action is set to expire two months from the mailing date of this letter.

Reconsideration, reexamination and allowance of the claims are requested.

Respectfully submitted,

Dec. 20, 2007

Date

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<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>Dec. 20, 2007</u>
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